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ABSTRACT

This paper discusses the new Individuals with Disabilities Education Act 1997 amendments that require states or local education agencies to develop guidelines for participation in alternate assessments for those children with disabilities who cannot participate in state and district-wide assessment programs. The policies and guidelines of 12 states were reviewed to ascertain criteria being used for participation in the alternate assessments. Results found that: (1) individual decisions are made for each student by Individualized Education Program (IEP) teams with documentation of why the student cannot participate in the general assessment and how that student is to be assessed in an alternate assessment; (2) decisions should be carefully considered by analyzing extensive supportive data collected over a period of time; (3) a student for whom the alternate assessment is appropriate is generally a student for whom the standard assessment would be inappropriate because the student is not engaged with the general curriculum; (4) states are attempting to make the concept of cognitive disability operational by emphasizing the inability to transfer skills; and (5) a determination of whether or not a particular student will participate in an alternate assessment is not based primarily on categorical labels. (CR)

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WHO TAKES THE ALTERNATE ASSESSMENT? STATE CRITERIA

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Introduction

The 1997 amendments to the Individuals with Disabilities Education Act (IDEA) require that "children with disabilities be included in general State and district-wide assessment programs, with appropriate accommodations where necessary" [612(a)(17)(A)]. Furthermore, the amendments specify that, as appropriate, the State or local educational agency: "develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs" [612(a)(17)(A).

IEP teams are to determine how individual children will participate in large-scale assessments, what accommodations will be used for those individuals within the large-scale assessment program, and

> "if the IEP Team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of such an assessment, (the IEP must include) a statement of –
>
> (aa) why that assessment is not appropriate for the child; and
>
> (bb) how the child will be assessed" [(614)(d)(1)(A)(v)].

The Problem:

The IDEA amendments do not specifically address the criteria to be used in determining who "cannot participate" and for whom the large scale assessment, even with accommodations, "is inappropriate." Moreover, research providing guidance is limited due to the small number of states that have actually implemented alternate assessment programs." (Olsen, 1998a) (Olsen, 1998b) suggests that students can be included in large scale assessments in four ways. Some students can take the regular assessment without accommodations, some can take the regular assessment with accommodations that retain task comparability, some must have an alternate assessment, and some require accommodations so great the measure is not comparable to the measures used in general education.

In setting criteria, state and local agencies are struggling with how broadly to define the pool of students who will be administered alternate assessments. The requirement to identify "children who cannot participate in state and district-wide assessments" and to document "why that assessment is not appropriate" implies that the primary criterion is the general assessment. Based on the experience of states that have implemented alternate assessments for students with disabilities, in its Notice of Proposed Rule Making (NPRM), the U.S. Department of Education estimated that about one to two percent of the total number of children in any age cohort would be taking

alternate assessments NPRM, 1997, P. 55055. If the criteria were only that the student "cannot participate" or "the assessment is not appropriate" it is unlikely that this criterion would be met and there might be a flood of students for whom alternate assessment would be deemed appropriate.

Over-identification of students with disabilities for alternate assessment could have a number of negative effects. First, state and local agencies are increasingly using their large scale measures as hurdles that must be crossed for promotion or graduation. Thus students removed to the alternate assessment might lose opportunities they otherwise might have if they take the general assessment.

Placing a large number of students with disabilities in an alternate assessment program also could help perpetuate the separate system that has been a concern for many (Hardman, McDonnell, & Welch, 1997; Giangreco, Cloninger, & Iverson, 1998). Costs can be significant. For example, Kentucky's cost per child on their Alternate Portfolio is well over $100 per student (Kennedy, 1998) and Maryland's cost per child for the Independence Mastery Assessment Program has been estimated even higher (Haigh, 1998). Finally, and perhaps most importantly, having a large percentage of students with disabilities in the alternate assessment might lead to less accountability for their educational progress, since IDEA requires testing and reporting for all students, but is silent regarding the inclusion of results for students with disabilities in accountability indices leading to school accreditation, rewards and sanctions.

The decision of who will take the alternate assessment has major implications for decisions on what to assess, how to assess and how information gathered from this assessment is to be used. The criteria must define a specific population without creating too many "gap kids," students who do not perform well in the regular assessment system with accommodations but who may not be appropriate for participation in the alternate assessment. Given these challenges, a state or local agency cannot simply start with the general assessment and exclude any student for whom the test is hard, students who have been working on a different curriculum (when they might have more appropriately been working on the general curriculum) or students for whom the general test format presents barriers that could with effort, be overcome with accommodations.

Olsen, in ***Alternate Assessment: Issues and Practices*** (1998), pointed out that there are a number of issues to be considered in answering the question of "**Who to assess**?" in the alternate assessment. Among the questions he raised were the following:

- Would setting caps artificially define the population and limit the population or potentially even set a goal and increase numbers artificially?

- Should the population be defined on the basis of inclusion or exclusion from the general education curriculum?
- Should the population be defined on the basis of whether the student will graduate with a diploma or be dependent upon the nature of the diploma requirements in a state?
- To what extent should the focus be upon functional versus academic skills?
- How should students be selected in systems that assess in specific grades, particularly when many students with disabilities are in ungraded programs?
- How can a state insure that there is consistency across districts in determining which children will receive the alternate assessment? How does a state ensure fairness and comparability in the process? Who makes and documents the decisions?

Purpose and Procedures:

This paper focuses on the question of who to include in the alternate assessment in order to help state and local agencies that have yet to develop these criteria. The policies and guidelines from the twelve states were reviewed to ascertain criteria being used. Information was initially gathered from state responses to the NCEO survey followed by review of information from those states that have formally adopted policies, and by survey of those states in the draft stage of policy development. The twelve states included were Colorado, Delaware, Idaho, Kansas, Kentucky, Maryland, Michigan, Missouri, North Carolina, South Carolina, Tennessee, and West Virginia. Table 1 depicts the criteria evidenced in the state policies. In instances where states adopted similar language but where the inclusion or omission of specific terms potentially impact participation, those policies were included as separate entries. Caution: 1. These data were gathered prior to the issuance of the final regulations for IDEA. These criteria might change once the regulations are issued. 2. Twelve states represent less than twenty-five percent of the total number of states in the U.S. Therefore, additional criteria may be considered.

Analysis of State Policies:

Two conclusions can be drawn immediately from the data in Table 1. First, all the policies appear to address the minimal requirements of federal law as outlined above and most have been very aggressive in defining criteria that would significantly limit the population. All twelve states require that eligibility for individual students to participate in the alternate assessment must be a decision of the IEP team and that the team must (a) justify in writing the decision to exclude the student from the general assessment and (b) state how the child will be assessed. Six (50%) of the sample states require that the decision be based on comprehensive historical or longitudinal data. There is the unstated implication that in such states children could not be newly identified as having a disability for the purpose of giving them an alternate assessment.

At least one of these states has indicated that it wishes to ensure that students have had ample opportunity for accommodations prior to determination of participation in the alternate assessment.

Second, the similarities among state criteria are obvious. Kentucky was the first to establish such criteria and has been successful for six years in keeping the percentage of students on its Alternate Portfolio well under 1% of the total population (Kennedy, 1998). It is the personal experience of these authors that the Kentucky criteria were used as the foundation for several of these states.

TABLE 1
INITIAL* CRITERIA FOR ALTERNATE ASSESSMENT AS REPORTED BY STATES (Blanks indicate that the state was silent regarding the criterion)

State	CO	DE	ID	KS	KY	MD	MI	MO	NC	SC	TN	WV
Criteria:												
1. Determination by IEP Team	X	X	X	X	X	X	X	X	X	X	X	X
2. Documentation and justification in IEP	X	X	X	X	X	X	X	X	X	X	X	X
3. Based on historical data				X	X	X			X		X	X
4. Student's cognitive ability and adaptive behavior prevent completion of general curriculum, course of study, content standards		X	X	X	X			X	X	X	X	X
5. Student requires intensive individualized instruction to acquire, maintain, or generalize skills		X	X	X	X			X		X	X	X
6. Student requires direct instruction in multiple settings to generalize skill application		X		X	X	X		X		X	X	X
7. Student is unable to apply academic skills at minimal competency level in natural settings when instructed primarily through school-based instruction		X		X	X			X		X		X
8. Student is not pursuing state learning goals						X	X	X				
9. Student's course of study is primarily functional and living skills oriented			X				X	X				
10. Student participates very little or not at all in general academic curriculum							X					
11. Student is working on standards that are so expanded and individualized the general assessment does not reflect content student is being taught.	X											
12. For fourteen and older:												
a. Student is unable to complete regular diploma program even with adaptations		X			X				X	X	X	X
b. Student is unable to acquire, maintain, or generalize skills without community based instruction		X			X					X	X	X
c. Student is pursuing a specialized diploma		X				X						X
13. NOT:												
a. Based on categorical disability labels	X	X		X	X		X			X	X	
b. Based on poor attendance	X	X	X	X	X		X		X	X	X	
c. Based on disruptive behavior	X						X					
d. Based on student's reading level	X						X					
e. Based on expectations of poor performance	X						X					
f. Based on social, cultural or economic differences		X	X	X	X		X		X	X	X	
g. Based on amount of time receiving special education services	X						X					
h. Based on low achievement in general education				X			X					
i. Based solely on IQ							X	X				
j. Based on place where student receives services	X											
k. A set percentage of students	X											

*These criteria were reported prior to issuance of final regulations for IDEA '97.

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However, not all state criteria are the same. The curriculum focus for the student is used as a criterion in nine of the twelve states (75%). The criteria for nine of the sample states also indicate that a student's cognitive ability and adaptive behavior must prevent him from completing or fully participating in the general curriculum, course of study, or content standards even with program modifications. Another three states (25%) reserve the alternate assessment for students who are not pursuing the general state learning goals. Four states in the sample (33%) confine participation in alternate assessments to those students pursuing a course of study that is primarily functional and living skills oriented. One state has indicated that the student participating in alternate assessment will be one who participates very little or not at all in the general academic curriculum.

States that want to restrict the population to students with limited cognitive skills chose to do so by defining operational criteria. Several states indicate that the student's ability to acquire, maintain, or generalize skills is an important factor in whether he or she participates in the alternate assessment. Eight states (67%) specifically cite the student's need for "intensive individualized instruction" in order to acquire, maintain or generalize skills as a criterion. Eight states (67%) mandate that the eligible student must require such instruction in multiple settings. Five states (42%) require that eligible teenagers or older students must also need community based instruction to acquire, maintain or generalize skills. Six states (50%) require documentation that a student is unable to apply academic skills at minimal competency levels in natural settings as part of their eligibility criteria.

Movement toward graduation and diplomas is sometimes used as a criterion. Six states in the sample (50%) permit older students (e.g., fourteen and above) to participate in the alternate assessment only if they are unable to complete the regular diploma program even with program adaptations. One state, NC, does not use the alternate assessment at the secondary level in its pilot but has indicated that students participating in the alternate assessment will not be eligible for a high school diploma. Another three states (25%) specify that older participants must be pursuing a specialized diploma or certificate.

In order to ensure that decisions do not lead to inappropriate exclusion of children from either the regular accountability system or the regular educational system, several state policies also define criteria which IEP teams are prohibited from using in determining who participates in the alternate assessment. Seven states (58%) specifically prohibit a decision being based strictly on categorical disability labels. Such states have ostensibly recognized that there is tremendous diversity within categories and that labels are often applied for other than programmatic reasons.

Nine states (75%) require that low achievement resulting from poor attendance be eliminated as a consideration. Eight states (67%) also require social, cultural or economic differences/deprivation be eliminated as primary decision-making factors. Colorado and Michigan are considering prohibitions against using disruptive behavior, low reading levels, expectations of poor performance, actual low achievement in general education, or the amount of time the child receives in special education services. Missouri and Michigan specifically plan to exclude the use of IQ scores as the sole determination for participation. Colorado is also considering prohibition of using where the student receives services as the sole determinant.

Summary:

The twelve states in this sample focused on program criteria, rather than on the general large scale assessment itself. Therefore, the criteria are likely to endure, even if the general test changes.

Although there are subtle differences in the criteria adopted by states for determining if a particular student will take an alternate assessment, five major themes appear frequently:

1. Individual decisions are made for each student by IEP teams with documentation of why that student is not to participate in the general assessment and how that student is to be assessed in an alternate assessment.
2. Decisions should be carefully considered analyzing extensive supportive data collected over a period of time.
3. A student for whom the alternate assessment is appropriate is generally a student for whom the general assessment would be inappropriate because:
   a. the student is not engaged with the general curriculum/course of studies or
   b. the student is pursuing alternate personal learning goals different from the state learning goals for all students or
   c. the student is engaged primarily in a functional/life skills curriculum or
   d. the student is pursuing an option that a standard high school diploma.
4. States are attempting to make the concept of cognitive disability operational by emphasizing the inability to transfer skills across settings without direct instruction within those settings.
5. A determination of whether or not a particular student will participate in an alternate assessment is not based primarily upon categorical labels, poor attendance, social/cultural differences or economic deprivation.

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